IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 913 of 2005 (S/S)

Virendra Datt Uniyal
S/o Late Sri Mitara Nand Uniyal
R/o Sector 9A/147, Borari
New Tehri … Petitioner

Versus

1. State of Uttaranchal through
   Director of Education
   Dehradun
2. Deputy Director of Education (Madhyamik) Pauri
3. District Education Officer
   Tehri Garhwal
4. Principal/Prcharya
   Rajkaiya Sanskrit Mahavidayala
   New Tehri … Respondents

Sri N.S.Pundia, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 28.06.2005 passed by the respondent No. 3 i.e. District Education Officer, Tehri Garhwal.

Brief facts giving rise to this petition are that the petitioner was initially appointed on 31.03.1987 as Assistant Teacher (CT) Grade in Rajkaiya Uttachar Madhamyik Vidhayala, Dhungi Dhar District Tehri Garhwal.

On 20.06.2002, the petitioner was transferred from Rajkaiya Inter College, Dhungi Dhar District Tehri Garhwal to Rajkaiya Sanskrit Mahavidayala, Tehri Garhwal and thereafter on 04.07.2002, the petitioner was relieved from Rajkaiya Inter College, Dhungi Dhar District Tehri Garhwal and joined his duty on 05.07.2002 at Rajkaiya Sanskrit Mahavidayala, New Tehri Garhwal.

The respondent No. 2 by its impugned transfer order dated 28.06.2005 transferred the petitioner from Rajkaiya Sanskrit Mahavidayala, New Tehri, Tehri Garhwal to Rajkaiya Inter College, Nagraja Dhar Bamund, District Tehri Garhwal.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

The writ petition is finally disposed of.

However, it is open for the respondent No. 3 to decide the representation dated 07.07.2005 (annexure 7 to the petition) filed by the petitioner earlier before the respondent No. 1.

The respondents are directed to decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 pertaining to the transfer policy. The petitioner shall file the certified copy of the order before the respondent No. 3 within in a period of 15 days and the respondent No. 3 is directed to decide the same thereafter within a period of one month by passing speaking and reasoned order.

(B.C. Kandpal, J.)

11.07.2005
ASWAL